

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.802 OF 2007

Pankaj Yashwant Davalekar
and Anr. ..Applicants

Vs.

State of Maharashtra ..Respondents

...
Mr.Ganesh Gole counsel for Applicants
Mr.K.V.Saste A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned counsel for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking anticipatory bail in C.R.No.I-17 of 2007 of Panvel Police Station. The said case is mainly under Section 326 of IPC.

3. The complainant has specifically named the applicants in his F.I.R. He has stated that applicants along with other accused assaulted the complainant, Kiran Madhvi and Jagannath Madhvi. The learned A.P.P. has stated that Jagannath

Madhvi is still admitted in hospital and even as of today, he is in unconscious state. As far as Kiran is concerned, he was assaulted with "Sura" by co-accused near ear and at his cheek. No doubt, role attributed to the applicants that they gave only fist and kick blows. However, prima facie the material shows that the applicants share the common intention with the other accused. Hence, I do not think this is a fit case to grant anticipatory bail.

4. Application is rejected.

5. It is made clear that the trial Court shall not be influenced by the observations made in this order while deciding the trial.

[V.K.Tahilramani, J.]